

Notice of Decision

Proposal File #: CP-07-0002 **Zoning:** M-2
Proposal: Ashley Furniture & Sleep City
Proposal Description: Construction of a new 56,520 sq. ft. furniture and mattress store
Site Address: 21605 E. Country Vista Drive
General Location: N. of Country Vista, W. of Home Depot
Owner: Heggen-McKenna Properties, LLC **Phone:** 1-406-327-0410
Contact: Meier Enterprises, Inc. (Douglas R. Eadie) **Phone:** 1-509-735-1589
Application Date: 6/26/07 **Determination of Completeness Issued:** 7/5/07 - Incomplete, 7/19/07 - Complete
Notice of Application Issued: 7/25/07 **Comment Deadline:** 4pm, 8/8/07
Notice of Decision Issued: 9/21/07 **Appeal Closing Date:** 4pm, 10/5/07

CITY OF LIBERTY LAKE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT DECISION:

- ☐ Approved
- ☒ Approved w/ Conditions
The above-mentioned proposal is approved with the following conditions: (see attachments)
- ☐ Disapproved
The above-mentioned project has been denied due to the following: _____

SEPA THRESHOLD DETERMINATION: Mitigated Determination of Non-Significance (see MDNS issued 9/21/07)

DECISION APPEAL PROCEDURE: Interested parties with standing, as defined in RCW 36.70C, have the opportunity to appeal a final decision on a project permit. The decision may be appealed within fourteen (14) calendar days from the date the decision is rendered by delivering a notice of appeal to P&CD by mail or personal delivery. The notice of appeal must be received by 4:00 p.m. on the last day of the appeal period, unless the last day of the appeal period falls on a weekend or holiday, the notice of appeal shall then be due on the following business day. Appeal requests shall contain all information and items required in the City Development Code Section 10-4B-4, subsection H. An 'open record' appeal to the Hearing Examiner is available on many Type I project permits. The appeal procedure shall be as outlined in the City Development Code Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the P&CD Director.

This Notice of Decision has been provided to the project applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

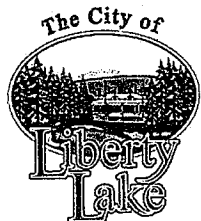
A copy of the SEPA determination has also been provided to the Dept. of Ecology - Olympia, Dept. of Transportation - Spokane County, Other Reviewing Agencies, and the project applicant.

The complete record in this matter, including this decision, is on file during the appeal period with the review authority listed below. Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

A Notice of Decision was also printed in the 9/27/07 edition of the Liberty Lake Splash.

REVIEW AUTHORITY:

PROJECT COORDINATOR: Amanda Tainio, Senior Planner



Planning & Community Development Department
22710 E. Country Vista Blvd., Liberty Lake, WA 99019
Phone: (509) 755-6707, Fax: (509) 755-6713, www.libertylakewa.gov

Date Issued: September 21, 2007

Signature: Amanda Tainio



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

September 21, 2007

Proposal File #: CP-07-0002

Proposal: Ashley Furniture & Sleep City

Conditions of Approval

Received From:

- City of Liberty Lake
- Spokane Clean Air
- Washington State Department of Ecology (DOE)

City of Liberty Lake Requirements

1. Compliance with SEPA Mitigation Measures
2. Sign permits will be required for all signage prior to installation and signs must conform to the City signage standards. Wall sign permits must include attachment details and color renderings of the sign. The monument sign shown on the site plan has not been applied for, nor approved. A master plan must be provided showing the anticipated layout and connections between Parcel B-7, revised Parcel A-20 w/ new access, and Parcel A. This master plan must be submitted as a part of the sign permit application for the proposed multi-tenant monument sign located along Country Vista within Parcel A, which can be utilized for Parcel B-7 as well since Parcel B-7 has no Country Vista frontage.
3. A Right-of-Way (ROW) permit with traffic control plan will need to be submitted and approved prior to beginning construction on the new Country Vista approach and the re-located Sterling Savings approach, or any other activity that requires work in the public right-of-way.
4. The Sterling Savings approach shall be re-located to the approved location and the new western approach shall be installed as shown on the approved plans, prior to issuance of a Certificate of Occupancy on the Ashley Furniture project.
5. A professional engineer must be retained to oversee staking, construction, and testing of improvements inside the City's right of way, including the new approach and re-located approach.
6. Access to the eastern boundary of the site shall comply with the recorded Stub Road and Utility Stub Easement Agreement (Spokane County Auditor Recording # 5234593, recorded 6/23/05). If the additional eastern access cross connections depicted on the approved site plan between the Ashley Furniture parcel and the Home Depot parcel are not approved by both of the property owners, Ashley Furniture shall install the required perimeter landscaping and curbing in the place of the access points, as required by the City Development Code, prior to issuance of a Certificate of Occupancy on the Ashley Furniture project.
7. Ashley Furniture shall comply with the City Development Code standards for Large-Scale Retail Establishments.
8. A copy of the LLSWD permit must be submitted at time of building permit issuance.

Conditions of approval from other agencies are attached, along with a public comment received from Home Depot.

I acknowledge the conditions of approval to be modifications and adjustments to the above-described proposal and warrant that I will not oppose, object to, or contest these measures in the future.

Printed Name: JOHN D. WILLIAMS

Title: Agent

Signature: [Handwritten Signature]

Date: 9/21/07



1101 W. College Ave., Suite 403, Spokane, WA 99201 ♦ (509) 477-4727 ♦ Fax (509) 477-6828 ♦ www.spokanecleanair.org

Date: July 30, 2007

To: Amanda Tainio, Senior Planner

The City of Liberty Lake Planning & Community Development Department

22710 E. Country Vista Blvd.

Liberty Lake, WA 99019

From: Chuck Studer, Air Quality Engineer I

RE: SPOKANE REGIONAL CLEAN AIR AGENCY REQUIREMENTS FOR:

File No. CP-07-0002

Proponent / Project Name: Ashley Furniture & Sleep City - Construction of a new 56,520 sq. ft. furniture & mattress store @ 21605 E. Country Vista Drive.

☒ Request for Comments by August 8, 2007 @ 4:00 p.m.

The following is a list of concerns/issues that may need to be addressed for this project as determined from information received by this office. The list is provided as a brief summary of general requirements and does not relieve the proponent from meeting all local, state, and/or federal regulations. For additional information or clarification, contact Spokane Clean Air at (509) 477-4727. Copies of Spokane Clean Air regulations are available for purchase in our office or can be viewed and downloaded from <http://www.spokanecleanair.org>.

Construction related requirements

- Dust emissions during demolition, construction and excavation projects must be controlled. This may require the use of water sprays, tarps, sprinklers, or suspension of activity during certain weather conditions.
- Measures must be taken to avoid the deposition of dirt and mud from unpaved surfaces onto paved surfaces. If tracking or spills occur on paved surfaces, measures must be taken immediately to clean these surfaces.
- Debris generated as a result of this project must be disposed of by means other than burning.
- Spokane Clean Air strongly recommends that all traveled surfaces (i.e. ingress, egress, parking areas, access roads, etc.) be paved and kept clean to minimize dust emissions.
- If objectionable odors result from this project, effective control apparatus and measures must be taken to reduce odors to a minimum.
- Special attention should be given to proper maintenance of diesel powered construction equipment to reduce the impact of diesel exhaust, a suspected carcinogen.

Additional requirements

- A Notice of Construction and Application for Approval is required to be submitted and approved by Spokane Clean Air prior to the construction, installation, or establishment of an air pollution source. This includes emergency generators rated at 500 hp (375 kW) or higher, natural gas heating equipment units rated at 4 MMBTU/hr or higher (input), and heating equipment units fired with other fuels (e.g. diesel) rated at 1 MMBTU/hr (input) or higher. Contact Spokane Clean Air for a Notice of Construction application.
- A Notice of Intent must be submitted to Spokane Clean Air prior to any demolition project or asbestos project. An asbestos survey must be done by an AHERA accredited building inspector prior to the demolition or renovation of buildings to determine if asbestos-containing material is present at the site. Contact Spokane Clean Air for a Notice of Intent application.

working with you for clean air

Spokane Regional Clean Air Agency

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 7, 2007

Ms. Amanda Tainio
Associate Planner
Planning and Community Development Department
22710 E. Country Vista Blvd.
Liberty Lake, WA 99019

Dear Ms. Tainio:

Thank you for the opportunity to comment on the Notice of Application and anticipated Mitigated Determination of Nonsignificance regarding the construction of Ashley Furniture & Sleep City (Proponent -Heggen-McKenna Properties, LLC). The Department of Ecology has reviewed the documents and has the following comments:

Solid Waste Program

We encourage the applicant to use construction products containing recycled and non-toxic materials whenever possible, to reuse and recycle all leftover construction materials, and reduce waste generated and practice "Green Building" principals in all aspects of the project. Recycling construction debris is typically less expensive than disposal. Please contact Allison Gray at (509)329-3448 or agra461@ecy.wa.gov for assistance.

The applicant should consider designing the project so opportunities to recycle are at least as convenient as waste disposal. Try to provide adequate, properly located space inside and outside the project to accommodate equipment and containers for processing and storage of recyclables. Plan to recycle items such as paper, glass, aluminum and other metals, corrugated containers and plastic.

During daily operations of the facility, we recommend using products and supplies that are recyclable and/or made from recycled materials. Use of low-toxic or non-toxic products for cleaning, maintenance, and other purposes are encouraged. Practicing waste prevention methods is also important.

Landscaping should incorporate waste prevention measures and the use of organic materials. Water needs are reduced by use of drought tolerant plantings, compost material, mulch, and drip irrigation. Pesticide and herbicide use is eliminated or reduced by use of pest resistant and native plantings. Compost is also an effective soil amendment. Chipped woody debris can be used to



Ms. Amanda Tainio

August 7, 2007

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mulch ornamental beds, suppress weeds, retain moisture, control erosion, and provide a base for pathways. We also recommend using organic debris generated on-site if possible for landscaping.

It is preferable to leave the existing vegetation undisturbed for both aesthetic and practical reasons. However, if it must be removed the applicant is encouraged to dispose of it at a compost facility or replant it elsewhere.

State Environmental Policy Act (SEPA)

Ecology's comments are based upon the information provided with the SEPA checklist. As such, they do not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

Sincerely,



Terri Costello
SEPA Coordinator
Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1295
Phone: (509)329-3550
Email: temi461@ecy.wa.gov

E07-521; 2007-5976

cc: Jed Heggen, Heggen-McKenna Properties, LLC

Amanda Tainio

From: Johnson, Mitchell, S [Mitchell_S_Johnson@homedepot.com]
Sent: Wednesday, August 15, 2007 4:28 PM
To: atainio@libertylakewa.gov
Cc: Nelson, Jane
Subject: Ashley Project # CP-07-0002

Attn: Amanda Tainio, Senior Planner, City of Liberty Lake, WA.

RE: SEPA Application CP-07-0002,

We have just received a copy via US Mail the Ashley Furniture Project Application. Please note that the project indicates access to it's site via the existing Home Depot drive way along the easterly property line. Currently this developer(Ashley) and Home Depot do NOT have an agreement to share the Home Depot Drive way. As such the current Ashley site plan can NOT rely on using the Home Depot site for access.

The site plan should be redesigned to show that there is no access between Ashley and Home Depot.

End of message.

Mitch Johnson
Real Estate Manager
Home Depot
Western Division
370 Corporate Drive North
Tukwila, WA 98188
Ph. 206 574 3583
F. 206 574 3489
C 425 241 4683
mitchell_s_johnson@homedepot.com

8/16/2007

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Proposal File #: CP-07-0002 Zoning: M-2
Proposal: Ashley Furniture & Sleep City
Proposal Description: Construction of a new 56,520 sq. ft. furniture and mattress store
Site Address: 21605 E. Country Vista Drive
General Location: N. of Country Vista, W. of Home Depot
Owner: Heggen-McKenna Properties, LLC Phone: 1-406-327-0410
Contact: Meier Enterprises, Inc. (Douglas R. Eadie) Phone: 1-509-735-1589
MDNS Determination Issued: 9/21/07 Appeal Closing Date: 4pm, 10/5/07

LEAD AGENCY: CITY OF LIBERTY LAKE

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment; provided the applicant complies with the mitigation measures listed below and the attached conditions. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The complete record in this matter is on file during the appeal period with the review authority listed below and is available to the public upon request.

- ☒ There is no comment period for this MDNS; pursuant to WAC 197-11-350 (1).
- ☐ This MDNS is issued under WAC 197-11-350 (2); the lead agency will not act on this proposal for at least 14 days from the date issued (below). Comments must be received by: _____, if they are intended to alter the MDNS.

MITIGATING MEASURES:

In addition to the plans and specifications submitted for permit and SEPA review, the following mitigation is required:

1. Participation in the Harvard Rd. Mitigation Plan, at time of building permit issuance, to mitigate traffic impacts associated with this project.
2. Compliance with Spokane Clean Air (formerly SCAPCA) requirements at time of project construction.
3. Compliance with the Washington State Dept. of Ecology Solid Waste Program and other requirements shall be required.

I acknowledge the above mitigating measures to be modifications and adjustments to the above-described proposal and warrant that I will not oppose, object to, or contest these measures in the future.

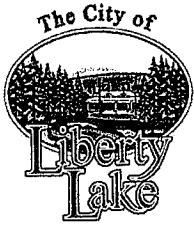
Printed Name: John D. Williams Title: Agent
Signature: [Signature] Date: 9/21/07

APPEAL OF THIS DETERMINATION, allowed under City Development Code Section 10-6A-7, subsection "C" shall be filed within fourteen (14) days after the determination has been made and is appealable. Any administrative appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on the project action shall be filed within fourteen (14) days after notice of the decision has been made and is appealable. In order to allow public comment on a MDNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven (7) days if the appeal is of a MDNS for which public comment period is required under the provisions of the City Environmental Ordinance or chapter 197-11 WAC. A notice of appeal must be delivered to P&CD by mail or personal delivery and must be received by 4:00 p.m. on the last day of the appeal period, unless the last day of the appeal period falls on a weekend or holiday, the notice of appeal shall then be due on the following business day. Appeal requests shall contain all information and items required in the City Development Code Section 10-4B-4, subsection H. The appeal procedure shall be as outlined in the City Development Code Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the P&CD Director.

A copy of this SEPA determination has been provided to the Dept. of Ecology - Olympia, Dept. of Transportation - Spokane County, Other Reviewing Agencies, and the project applicant.

A Notice of Decision was also printed in the 9/27/07 edition of the Liberty Lake Splash.

REVIEW AUTHORITY:



RESPONSIBLE OFFICIAL: Doug Smith, Director of Community Development

Planning & Community Development Department

22710 E. Country Vista Blvd., Liberty Lake, WA 99019

Phone: (509) 755-6707, Fax: (509) 755-6713, www.libertylakewa.gov

Date Issued: September 21, 2007

Signature: Amanda Tainio for Doug Smith